

REMARKS

By this Amendment, claims 1-21 are amended. Thus, claims 1-21 are active in the application. Reexamination and reconsideration of the application are respectfully requested.

The specification and abstract have been carefully reviewed and revised in order to correct grammatical and idiomatic errors in order to aid the Examiner in further consideration of the application. The amendments to the specification and abstract are incorporated in the attached substitute specification and abstract. No new matter has been added.

Also attached hereto is a marked-up version of the substitute specification and abstract illustrating the changes made to the original specification and abstract.

The Applicants note that the Examiner failed to acknowledge, in item 12 on the Office Action Summary form, the Applicants' claim of foreign priority and receipt of copies of the certified copies of the foreign priority documents. As identified in the Declaration, this national stage application of International Application No. PCT/JP01/06747 claims foreign priority to Japanese Patent Application No. 2000-238579, filed August 7, 2000, and Japanese Patent Application No. 2000-251616, filed August 22, 2000. As noted on the Form PCT/IB/304 filed with the present application, certified copies of these foreign priority documents were received by the International Bureau. For the Examiner's convenience, a copy of the Form PCT/IB/304 is submitted herewith.

Accordingly, the Applicants respectfully request the Examiner to formally acknowledge the Applicants' claim of foreign priority and the receipt of the copies of the certified copies of the foreign priority documents.

The Applicants thank the Examiner for kindly considering the references listed on the July 23, 2002 Form PTO-1449. However, the Applicants note that the Examiner failed to initial next to reference "AO" (Tsuchiya et al.) to indicate consideration of this reference. As indicated in item 5 on page 3 of the July 23, 2002 Information Disclosure Statement (IDS), an English language translation of reference "AO" was provided by the Applicants. Accordingly, the Applicants provided a concise statement of the relevance of reference "AO," and therefore, the Applicants respectfully request that the Examiner

consider reference "AO" and return to the Applicants an Examiner-initialed copy of the July 23, 2002 Form PTO-1449 to indicate consideration of this reference. For the Examiner's convenience, a courtesy copy of the July 23, 2002 IDS and the July 23, 2002 Form PTO-1149 are submitted herewith.

On page 2 of the Office Action, claims 5-8 and 12-19 were objected to as being multiple dependent claims which depend from other multiple dependent claims. Based on this objection, the Examiner did not examine claims 5-8 and 12-19 on the merits.

The Applicants respectfully submit that the Examiner was incorrect to issue the above objection to claims 5-8 and 12-19. A Preliminary Amendment was filed together with the present application on April 5, 2002. All multiple dependencies of the claims were removed in the Preliminary Amendment.

In particular, claims 3-6 were each amended to depend from claim 1, claim 8 was amended to depend from claim 6, claims 11-15 and 17 were each amended to depend from claim 9, and claim 19 was amended to depend from claim 17. As identified on the Notice of Acceptance dated June 6, 2002, the April 5, 2002 Preliminary Amendment was indeed received by the Office.

Therefore, at the time the present application was examined by the Examiner, there were no multiple dependencies in the claims. Accordingly, the Applicants respectfully submit that claims 5-8 and 12-19 were entitled to proper examination on the merits at the time the Office Action was issued. The Applicants therefore respectfully request that claims 5-8 and 12-19 be properly examined on the merits.

For the Examiner's convenience, a courtesy copy of the April 5, 2002 Preliminary Amendment and the Notice of Acceptance are submitted herewith.

On page 2 of the Office Action, claims 1, 4, 9 and 20-22 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. In particular, the Examiner asserted that these claims are generally narrative and indefinite, and appear to be literal translations into English from a foreign language.

Claims 1-22 have each been amended solely to improve their U.S. form, to provide proper antecedent basis for all of the recited limitations, and to definitely recite

each limitation therein. Accordingly, the Applicants respectfully request withdrawal of the rejection of claims 1, 4, 9 and 20-22 under 35 U.S.C. § 112, second paragraph.

On page 3 of the Office Action, claims 1-4, 9 and 11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Howes (U.S. Patent Application Publication No. 2005/0160077) in view of Gerogianni (U.S. Patent Application Publication No. 2002/0107747). On page 7 of the Office Action, claim 20 was rejected for the same reasons as claim 9.

Further, on page 6 of the Office Action, claim 10 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Howes in view of Gerogianni and further in view of Corrigan et al. (U.S. 2003/0163262). These applications are respectfully traversed for the following reasons.

As noted above, the present application claims foreign priority to Japanese Patent Application No. 2000-238579, filed August 7, 2000, and Japanese Patent Application No. 2000-251616, filed August 22, 2000. Verified English translations of Japanese Patent Application No. 2000-238579 and Japanese Patent Application No. 2000-251616, filed August 22, 2000 are submitted concurrently herewith under a separate cover letter.

Each of the claims of the present application is supported by these foreign priority documents. Accordingly, by perfecting the foreign priority dates of the present application, the effective dates of the present application are August 7, 2000 and August 22, 2000.

Gerogianni was filed on February 2, 2001, well after the effective dates of the present application. Accordingly, Gerogianni cannot be prior art against the present application.

By removing the Gerogianni reference as prior art against the present application, the Applicants respectfully submit that the above rejections of claims 1-4 and 9-11 have clearly been traversed.

Therefore, independent claims 1, 9 and 20, as well as claims 2-8 and 10-19 which depend therefrom, are clearly allowable over the applied references.

On page 7 of the Office Action, it appears that claims 21 and 22 were rejected solely on the basis of Howes, because only portions of the Howes reference were used by the Examiner to reject 21.

Claims 21 and 22 each recite, in part, an agent's server computer operable to select a toning person and give an order for the toning job to the selected person. Howes clearly does not disclose or suggest an agent's server operable to select a toning person and give an order for the toning job to the selected person. Furthermore, the Examiner even acknowledges this fact on pages 3 and 5 of the Office Action.

Gerogianni was applied by the Examiner in an attempt to cure the obvious deficiencies of Howes for failing to disclose or suggest an agent computer operable to select a toning person and give an order for the toning job to the selected person.

However, as demonstrated above, Gerogianni is not prior art against the present application, and therefore, claims 21 and 22 are clearly allowable for the same reasons as claims 1-20.

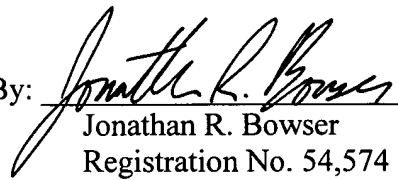
Therefore, it is submitted that the claims 1, 9 and 20-22, as well as claims 2-8 and 10-19 which depend therefrom, are clearly allowable over the prior art as applied by the Examiner.

In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is clearly in condition for allowance. An early notice thereof is respectfully solicited.

If, after reviewing this Amendment, the Examiner feels there are any issues remaining which must be resolved before the application can be passed to issue, the Examiner is respectfully requested to contact the undersigned by telephone in order to resolve such issues.

Respectfully submitted,

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